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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,010	07/25/2003	Jean-Francois Le Pennec	2002-0149	4000
7590 Mr. S.H. Dworetsky AT & T Corp., Room 2A-207 One AT&T Way Bedminster, NJ 07921	10/02/2007		EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/628,010	LE PENNÉC ET AL.
Examiner	Art Unit	
Thomas J. Dailey	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 July 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 9-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 9-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-8 were canceled by the amendment filed on July 12, 2007.
2. Claims 9-16 were added by the amendment.
3. Claims 9-16 are pending.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 and 8 have been considered but are moot in view of the fact that these claims were cancelled. However, these arguments have additionally been considered for the newly filed claims 9-16, and are addressed in the rejections of those claims.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 15 recites, "adapted to" (lines 1 and 4). Such claim language does not limit the claim scope as it suggests or makes optional but does not require steps to be performed.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun et al (US Pub. No. 2001/0056476), hereafter "Benayoun," in view of Westfield (US Pat. 6,470,390).

10. As to claim 9, Benayoun discloses a data transmission system comprising:

a server system connected to a Wide Area Network (WAN) and to a Public Switched Telephone Network (PSTN) ([0052], lines 1-8, server is connected directly connected to the PSTN and is connected to the Internet or intranet via a proxy server);

a modem-less client device operative for communicating with the server system and to which the server system may gain access ([0052], lines 1-7, client device is connected to the Internet or intranet as has no modem, as none is explicitly mentioned and it is not directly connected to the PSTN);

a data processing device connected to the PSTN and the client device by a Local Area Network (LAN) ([0053], lines 1-5, proxy server reads on data processing device); and

a proxy means connected to the data processing device for completing a first connection through the PSTN with the server ([0053], lines 4-10, server system establishes a circuit switched network connection via the PSTN with the proxy server) and for establishing a second, concurrent connection with the client device upon receiving a request from the server system ([0053], lines 10-19, the server system communicates with the client system via the proxy server thereby a connection between the two is established. Benayoun discloses that such connections are TCP connections utilizing such protocols as HTTP, FTP, Telnet, Socks ([0073]), such connections require two way communications).

Benayoun does not disclose where the server system is a workstation provided with Telnet functionality and the client system is a Telnet manageable device and that the workstation may gain access using the Telnet protocol, and further where the connections are telnet connections granting telnet access. Rather, Benayoun gives the general structure of the system, i.e. it has two connections one between the server system and the data processing device and one between the data processing device and the client system, but does not impose protocol specific functionality (such as Telnet in the claimed invention) or

uses for the underlining structure (remote access via Telnet in the claimed invention).

However, Westfield discloses a workstation (Fig. 2, label 200) provided with Telnet functionality and a Telnet manageable device (Fig. 2, label 290), and Telnet connections that are established upon receiving a request from said workstation so that it can gain Telnet access to said Telnet manageable device (column 2, lines 55-67).

Westfield further discloses that Telnet is useful for establishing remote connections in order to manage remote devices (column 1, lines 11-25); therefore it would have been obvious to one of ordinary skill in the art to include remote management via Telnet as disclosed in Westfield in the proxy system of Benayoun (who already explicitly acknowledged the general use of Telnet) to achieve the claimed invention. As disclosed in Westfield, the motivation for combination would be to remotely manage devices.

Furthermore, it would have been additionally obvious to a person of ordinary skill in the art at the time of the invention to try the remote Telnet management functionality of Westfield, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the

claimed invention has the properties predicted by the prior art, it would have been obvious to combine the teachings of Benayoun and Westfield.

11. As to claim 10, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 9, and further disclose said telnet client function corresponds to a legacy Telnet client (Westfield, column 2, lines 55-67) and wherein the proxy means is operative for gaining access to a default gateway configured in the IP stack of the data processing device upon receiving a request from the help desk workstation (Benayoun, [0053], the proxy server (data processing device) inherently has a default IP gateway and IP stack as it is the intermediary between the IP network and circuit switched network).

12. As to claim 11, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 9, and further disclose said Telnet client function corresponds to a legacy Telnet client (Westfield, column 2, lines 55-67) and wherein the proxy means is operative for gaining access to a file having an IP address for using Telnet protocol (Benayoun, [0098], lines 1-4, where the Authorization table, accessible by the proxy server, stores IP address information related to the devices on the IP network [0100]-[0102]).

13. As to claim 12, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 11, and further disclose the proxy means is operative

for modifying an IP address of a request message received from the help desk workstation before sending the request message with the modified IP address to the Telnet manageable device (Benayoun, [0098] and [0100]-[0102]).

14. As to claim 13, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 12, and further disclose the proxy means is operative for establishing the second connection with the Telnet manageable device through the LAN ([0052], lines 1-7).

15. As to claim 16, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 9, and further disclose said proxy means are constituted of a program installed in said data processing device (the proxy means in Benayoun's proxy server is clearly implemented in software as illustrated by Benayoun's background of the art in [0040]).

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun and Westfield, as applied to claim 9, in further view of what was well known in the art at the time of the invention.

17. As to claim 14, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 9, but do not explicitly disclose the proxy means is operative for establishing the connection with the Telnet manageable device

through a link from a COM port in the data processing device and a console port in the Telnet manageable device.

However, Benayoun and Westfield both disclose communications over networks, and utilizing a COM port link between the networked devices is a simple substitution of a widely used communications method and would have been obvious to one of ordinary skill in the art at the time of the invention in order to achieve the a predictable result of communications between devices.

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun and Westfield, as applied to claim 9, in further view of Heircourt (US Pub. No. 2001/0023451).

19. As to claim 15, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 9, but do not explicitly disclose the Telnet client function corresponds to a proprietary function adapted to make an encapsulation of Telnet commands included in a request sent by the help desk workstation to the data processing device and wherein the proxy means is adapted to receive Telnet commands from encapsulated commands received from the help desk workstation. Rather, Benayoun and Westfield disclose a workstation that communicates via with a proxy server (data processing device) but are silent with

regard to the encapsulating of the Telnet commands and the transmission of encapsulated commands.

However, Hericourt discloses a proprietary function adapted to encapsulate Telnet commands ([0041], Socks reads on the function) and further transmit them to the destination devices ([0100]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benayoun and Westfield with Hericourt in order to gain secure access to systems located outside a local intranet (Hericourt, [0041]).

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/628,010  
Art Unit: 2152

Page 11



TJD  
9/26/07



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9/27/07